REMARKS

Claims 1-37 are all of the claims presently pending in the application. Applicants have amended various claims to more particularly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and <u>not</u> for distinguishing the invention over the alleged prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the alleged prior art rejections, claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Severin (U.S. Patent Pub. No. 2005/0005261).

These rejections are respectfully traversed in the following discussion.

I.   THE CLAIMED INVENTION

The claimed invention is directed to (e.g., claim 1), a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience.   The method includes <u>constructing at least one virtual resource independent of an actual resource</u>, storing the virtual resource in a tangible computer readable media, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource from the tangible computer readable media, and extracting at least one descriptor from said at least one retrieved virtual resource. The <u>virtual resource includes a resource utilized at a logic authoring time, while the actual resource includes a resource utilized at a runtime</u>.

II.   THE ALLEGED PRIOR ART REFERENCES

A.   The Severin (U.S. Patent Pub. No. 2005/0005261) Reference

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Severin

(U.S. Patent Pub. No. 2005/0005261, hereinafter Severin '261). The Examiner alleges that

Severin teaches the claimed invention of claims. Applicants submit, however, that Severin

'261 does not teach or suggest each feature of the claimed invention.

Severin '261 fails to teach or suggest a *method of developing actual resources without*

alteration into a collection of virtual resources customized to a particular audience, said

method comprising: constructing at least one virtual resource independent of an actual

resource; storing the virtual resource in a tangible computer readable media, using a

processor on a computer; connecting the actual resource to the at least one virtual resource;

retrieving the at least one virtual resource from the tangible computer readable media; and

extracting at least one descriptor from said at least one retrieved virtual resource, wherein

said virtual resource comprises a resource utilized at a logic authoring time, while said actual

resource comprises a resource utilized at a runtime.

The Examiner alleges that Severin teaches:

> of developing actual resources without alteration into a collection of virtual
> resources customized to a particular audience, said method comprising: constructing at
> least one virtual resource independent of an actual resource (i.e. constructs a virtual
> model implementation. The Examiner notes that the virtual model includes a virtual
> resource, which is independent from an actual resource, where a virtual host includes a
> virtual resource.) (paragraph [0248; 0550]); storing the virtual resource independent of
> an actual resource (i.e. virtual resources are stored in a database)(paragraphs [0248,
> 0437]); connecting the actual resource to the at least one virtual resource (i.e.
> Component Integration Engine (CIE) are a logical grouping of resources (i.e. virtual
> resource) that is configured to shared resource (i.e. actual resource) at run-
> time)(paragraphs [0410-0413]); retrieving the at least one virtual resource (i.e.
> retrieving data record stored in a virtual instance)(paragraph [0257]); extracting at
> least one descriptor (i.e. descriptor contains the descriptions of features and
> functionality allowed and required in an implementation. It is a specific type of
> metadata)(paragraph [0049]) from said at least one retrieved virtual resource (i.e.

Extract Transform Load tool provides the ability to extract data from a data source)(paragraph [0438]); wherein said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]) and said actual resource comprises a resource utilized at a runtime (i.e. run-time)(paragraphs [0411-0412]).

However, respectfully, the disclosure in the <u>provisional document</u> of Severin '261 must be looked at instead of the non-provisional application, because Severin '261, U.S. Publication no. 2005/0005261, is filed on July 2, 2004, which is after the filing date of present Application, September 22, 2003. As shown below, it also does <u>not</u> appear that the disclosure in the publication document of Severin '261 is fully supported by the provisional application Severin '251. Therefore, the dates of the disclosures not provided in an enabling manner in 60/484,251, filed on July 2, 2003, would instead have the effective U.S. filing date of July 2, 2004 and therefore, those portions of the disclosure cannot be used in a prior art rejection. As seen in the provisional Application of Severin '251, much of the disclosure of Severin '261 is missing.

Therefore, the reasoning for the rejection should have been provided based on the disclosure of the provisional document Severin '251 instead of Severin '261, including providing the particular parts in the reasoning for rejection under 37 C.F.R. §1.104.

However, both Severin '261 and '251 fail to teach or suggest all the claim limitations.

The Examiner argued that Severin '261 teaches constructing at least one virtual resource independent of an actual resource (i.e. constructs a virtual model implementation. The Examiner notes that the virtual model includes a virtual resource, which is independent from an actual resource, where a virtual host includes a virtual resource.) (paragraph [0248; 0550]).

However, the discussion in paragraph 248 in Severin '261 about the real implementation does not appear anywhere in the priority document Severin '261. Therefore,

the earlier filed Severin '251 fails teach or suggest *constructing at least one virtual resource*

independent of an actual resource.

Moreover, paragraphs 248 of Severin '261 is simply disclosing that a virtual

implementation would be done in the same manner as the real implementation. Moreover,

paragraph 550 of Severin '261 is merely discussing the component integration engine which is

dealing with the virtual resources but does not teach or suggest that the virtual resource is

independent of the actual resource. Therefore, even in Severin 261, there is <u>no</u> teaching or

suggestion as to the relationship of the actual resource and the virtual resource to where there

is no teaching or suggestion of *constructing at least one virtual resource independent of an*

actual resource.

Severin '251 and 261 also fail to teach or suggest <u>*connecting the actual resource to the*</u>

<u>*at least one virtual resource.*</u> The Examiner alleged that Severin '261 teaches connecting the

actual resource to the at least one virtual resource (i.e. Component Integration Engine (CIE)

are a logical grouping of resources (i.e. virtual resource) that is configured to shared resource

(i.e. actual resource) at run-time)(paragraphs [0410-0413]).

However, paragraphs 410 to 413 are discussing the authentication in a component

integration engine or persistence engine. Severin '261 also recites that "shared resource are

pre-configured component instances that provide details about the running environment or

access to resources, services, or functionality that can be shared amongst all users and

processes running in the domain." See paragraph 411 of Severin '261. Severin is still

discussing only the virtual environment and virtual resources and no connection or link is

provided to the actual resources as claimed. The virtual resources of Severin '261 is also in

the runtime as seen in paragraph 248 and therefore, Severin is not disclosing or suggesting of

the link to the actual resources as claimed in the present Application. Nowhere in '251 and

'261 is there a teaching or suggestion of connecting the actual resource to the virtual resource

as claimed, where the actual resources are at runtime and virtual resources are at an authoring

time. The distinction is not taught or suggested in Severin '261 or Severin '251 as further

shown below.

The Severin '261 and ' 251 References also fail to teach or suggest *said virtual*

resource comprises a resource utilized at a logic authoring time whereas said actual resource

comprises a resource utilized at a runtime.

The Examiner alleged that Severin '261 teaches said virtual resource comprises a

resource utilized at a logic authoring time (i.e. virtual implementation using logic-based

program.)(paragraphs [0079, 0250]) and said actual resource comprises a resource utilized at a

runtime (i.e. run-time)(paragraphs [0411-0412]).

However, as shown above, Severin '261 fails to provide a disclosure or suggestion of

the actual resources utilized at runtime while virtual resources are utilized at a logic authoring

time.

Paragraph 248 of Severin '261 recites that the virtual implementations are "modifiable

at runtime." Therefore, the virtual resources in Severin are also in runtime, while in the

claimed invention, the actual resources are in the runtime.

Paragraphs 411-412 merely disclose or suggest that the problem domain holds

resource managers to the manage shared resources and that program can be dynamically

constructed in runtime. However, there is no teaching or suggestion that the actual resource

comprises a resource utilized at runtime as claimed since Severin '261 is stating that the

construction of the virtual resource can be made in runtime.

Moreover, the disclosure of the provisional Application Severin '251 does not appear

to clearly support in an enabling manner the description provided in paragraphs 79, 250, 411

Serial No. 10/665,564   20
Docket No.   YOR920030126US1
YOR.447
and 412 of Severin '261 since a substantial portion of the text is not provided in Severin '251.

In addition, according to MPEP §2131, the following applies in a 35 U.S.C. §102

rejection:

> "A claim is anticipated <u>only</u> if each and every element as set forth in the claim is found, <u>either expressly or inherently described</u>, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).."The <u>identical invention must be shown in as complete detail as is contained in the ... claim.</u>" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). <u>The elements must be arranged as required by the claim,</u> but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Therefore, as shown above, since Severin '251 and even Severin '261 do not

identically disclose the invention in as complete detail as contained in the claim, the

anticipation rejection must be removed.

Therefore, Applicants submit that there are elements of the claimed invention that are

not taught or suggest by Severin '261 or Severin '251. Therefore, Applicants respectfully

request the Examiner to withdraw this rejection.

III.   FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-37, all of the claims

presently pending in the application, are patentably distinct over the alleged prior art of record

and are in condition for allowance.   Applicants respectfully request the Examiner to pass the

above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance,

Applicants requests the Examiner to contact the undersigned at the local telephone number

listed below to discuss any other changes deemed necessary in a <u>telephonic or personal</u>

interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to

credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: August 31, 2010   _____

Sam S. Sahota, Esq.
Registration No. 47,051

Sean M. McGinn, Esq.
Registration No. 34,386

MCGINN INTELLECTUAL PROPERTY
   LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 48150